

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMES M. FOSTER,

Petitioner,

v.

ERICKA K. FOSTER,

Respondent.

ORDER

19-cv-656-wmc

Petitioner James M. Foster seeks an order for return of his three minor children to Guatemala under the Hague Convention on Civil Remedies for International Child Abduction. This case is set for a bench trial, commencing December 4, 2019. Having reviewed the petition and answer, as well as the relevant Hague Convention provisions governing this case, the court believes that an appointment of a guardian *ad litem* (“GAL”) would be of assistance to the court. Specifically, a GAL may be able to gather information and consider the children’s perspective on the following topics: (1) whether the children were “habitually residing” in Guatemala; (2) whether their father was exercising his custody rights; (3) whether they witnessed any physical violence between their parents or other “grave risks”; and (4) with respect to the oldest child, whether she has attained an age and degree of maturity to take into account her view, and if so, what her view is. The court would also rely upon the GAL, in consultation with any health or mental health care providers, to advise of any risks to the children’s well-being if asked to express their views in open court.

If the court were to appoint a GAL, the parties would be required to cover his or her expenses on a monthly basis, subject to the cost-shifting under the Hague Convention to

the prevailing party. Before making such an appointment, however, the court will provide the parties with an opportunity to file any objections. Given the impending trial date, the parties' responses are due on or before October 31, 2019.

Entered this 24 day of October, 2019.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge